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April 26, 2013

BY ELECTRONIC DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Progeny LMS, LLC
Permitted Oral *Ex Parte* Presentation
WT Docket No. 11-49

Dear Ms. Dortch:

On April 24, 2013, Gary Parsons, CEO of Progeny LMS, LLC ("Progeny"), and the undersigned, met with David Goldman, Legal Advisor to Commissioner Jessica Rosenworcel. The parties discussed the substantial outpouring of interest that has been expressed by the public safety community, by disability organizations, and by other public policy leaders in Progeny's location service following the release of indoor location accuracy tests that were conducted by Working Group 3 of the Commission's Communications Safety Reliability and Interoperability Council ("CSRIC"). Strong letters of support urging the Commission to promptly authorize Progeny to make its service available to support public safety have been filed with the Commission by numerous influential public safety organizations and by a coalition of eight deaf and hearing impaired advocacy organizations.

The parties also discussed the comprehensive spectrum sharing tests that have been conducted on Progeny's network, both by an independent third party and jointly with major manufacturers and users of Part 15 devices. The multiple rounds of spectrum sharing tests that have been conducted during the past 18 months, combined with Progeny's ongoing operations for more than three years in the San Francisco Bay Area and for much of the past year in 39 other major economic areas has more than adequately demonstrated that its location service can coexist successfully in the 902-928 MHz band with other authorized spectrum users.

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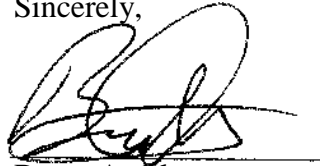
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As emergency first responders have clearly indicated, Progeny's indoor location service is critically needed to facilitate the prompt location of wireless callers to E911 emergency services. Progeny's service can also be used to locate downed emergency first responders in dangerous environments such as large burning buildings. The Commission itself has said that it considers "indoor location accuracy to be a significant public safety concern that requires development of indoor technical solutions and testing methodologies to verify the effectiveness of such solutions."¹

Taking into account the technical merits of the test results and the significant public interest benefits of Progeny's service, the Commission is more than justified in concluding that the public interest would be well served by immediately authorizing Progeny to launch its highly accurate location service on a commercial basis so that consumers and the public safety community can begin to enjoy its potential lifesaving benefits.

Thank you for your attention to this matter. Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. Olcott", written over a horizontal line.

Bruce A. Olcott
Counsel to Progeny LMS, LLC

¹ Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules, GN Docket No. 11-117, Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, E911 Requirements for IP-Enabled Service Providers, *Notice of Proposed Rulemaking, Third Report and Order, and Second Further Notice of Proposed Rulemaking*, FCC 11-107, ¶ 86 (Jul 13, 2011).